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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CHALONER SAINTILLUS,  
  
Defendant.

CASE NO. 2:20-CR-00213-KJM

STIPULATION REGARDING JURY TRIAL AND  
EXCLUDABLE TIME PERIODS UNDER SPEEDY  
TRIAL ACT; [PROPOSED] FINDINGS AND  
ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant Chaloner Saintillus, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for trial on February 14, 2023. By previous order, a trial confirmation hearing and a hearing on pending motions *in limine* and on the defendant's motion to suppress were also set for January 23, 2023.

2. By this stipulation, the defendant now moves to:

a) Vacate the trial confirmation hearing and the motions hearing currently set for January 23, 2023;

b) Vacate the jury trial currently set for February 14, 2023;

c) Reset the trial confirmation hearing and the motions hearing for March 27, 2023;

d) Reset the case for an estimated nine-day jury trial beginning April 25, 2023; and

1 e) Exclude time between January 23 and April 25, 2023, under Local Code T4.

2 3. The parties agree and stipulate, and request that the Court find the following:

3 a) Counsel for the defendant is set for trial in early March in a complex tax fraud  
4 case that dates to 2019, and that is expected to last approximately three weeks. The early March  
5 trial date in this tax fraud matter was set in June 2022. Counsel for the defendant believes that he  
6 will not have sufficient time and resources to prepare for the February trial in the instant case if  
7 he must simultaneously prepare for a complex tax fraud trial set to begin in March.

8 b) Furthermore, until recently, Saintillus was in custody at the Sacramento County  
9 Main Jail. However, Saintillus was recently moved to a custody location in Yuba County, which  
10 makes trial preparation and other communications between defense counsel and his client less  
11 efficient and more time-consuming.

12 c) Hence, counsel for the defendant requires additional time to consult with his  
13 remotely located client, conduct investigation and research related to the current charges, review  
14 discovery, and otherwise prepare for trial in this matter while balancing his professional  
15 obligations to prepare for trial in the above-referenced tax fraud matter.

16 d) Following the most recent hearing in this case on January 9, 2023, the  
17 government learned that one of its critical witnesses—an undercover law enforcement officer  
18 who conducted five of the twelve undercover narcotics purchases charged in the superseding  
19 indictment—has a pre-paid personal engagement planned overseas between February 13 and  
20 February 20, 2023. At the most recent hearing in this case, counsel for the government  
21 proceeded under the erroneous impression that this government witness's travel during these  
22 dates was work-related in nature and could be easily re-scheduled.

23 e) Counsel for the defendant believes that failure to grant the above-requested  
24 continuance would deny him the reasonable time necessary for effective preparation, taking into  
25 account the exercise of due diligence. Based on his trial schedule in early 2023, counsel for the  
26 defendant also believes that failure to grant the above-requested continuance would unreasonably  
27 deny the defendant continuity of counsel.

28 f) The government does not object to the continuance.

g) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 23, 2023, to April 25, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(iv) [Local Code T4] because it results from a continuance granted by the Court at the defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Additionally, for the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 23, 2023, to the date the Court rules on the government's and the defendant's pending motions, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(D) [Local Code E].

5. Nothing in this stipulation and proposed order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 18, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ SAM STEFANKI  
SAM STEFANKI  
FRANK RIEBLI  
Assistant United States Attorneys

Dated: January 18, 2023

/s/ DAVID D. FISCHER  
DAVID D. FISCHER  
Counsel for Defendant  
CHALONER SAINTILLUS

**[PROPOSED] FINDINGS AND ORDER**

IT IS SO FOUND AND ORDERED this \_\_\_\_ day of January, 2023.

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THE HONORABLE KIMBERLY J. MUELLER  
CHIEF UNITED STATES DISTRICT JUDGE